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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,732	11/08/2001	Hiroto Yotsugi	F-7219	4988

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EXAMINER

BROCKETTI, JULIE K

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 09/24/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/007,732

Applicant(s)

YOTSUGI ET AL.

Examiner

Julie K Brockett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3, 4. 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "2" has been used to designate both a network as depicted in Fig. 1 and as the Internet as defined in the specification. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims recite "net game system". The word net is slang for Internet or network. The Examiner suggests using one of these two words to more clearly define the invention. The term "net" can have other meanings except for a computer network.

Claim 4 states "gives addition of a predetermined score to the member player." This sentence is confusing. It is not clear as to what is meant. The

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Examiner suggests rewording the claim language to more clearly explain what is being accomplished, i.e. a predetermined number of points are being added to the member player's score.

Claims 12 and 16 state "said useful advantage is addition of a predetermined score..." The word "the" needs to be inserted before the word "addition".

Claim 5 states, "wherein the game space created on said game server is interior of a virtual company..." This sentence is confusing. The word "the" or "an" needs to be inserted prior to the word interior.

Claim 6 states "increment/decrement parameter value". The phrasing in this sentence is confusing. The Examiner suggests inserting the word "an" prior to this phrase".

The following is a quotation of the fourth paragraph of 35 U.S.C. 112:

A claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed.

Claims 2, 10 and 14 are rejected under 35 U.S.C. 112 fourth paragraph as failing to limit the subject matter of a previous claim. The claims state, "wherein said referral information includes the mail address of the data terminal of the non-member." This limitation is clearly stated in the body of the independent claims from which these claims depend. Consequently, the claims are not further limiting the subject matter of a previous claim.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Network News" in view of "Contents of the New Products for Cell Phone". Network News describes a "Friend Introduction Area" using a system with recruiting information generating means for generating, upon receipt from a member referral information specifying a mail address of a data terminal of a non-member. The recruiting information specifies the member. An enrollment process is started upon receiving application information from the non-member in response to the recruiting information sent to the mail address of the non-member. The member then has advantages conferred on them such as free access time, thus being added to the amount of access time previous allowed. It would have been obvious at the time the invention was made to have the advantage conferring means be the addition of a score to a player in a game situation. The advantage conferring means is a recruitment bonus for the member who helps recruit another person. Recruitment bonuses are well known throughout the art and can be a variety of items such as points, time, prizes, etc. A report is generated for informing the member that

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the non-member referred by him or her has enrolled. (See "Network News" page 4).

"Contents of the New Products for Cell Phone" teaches of a net game system for playing a game with the aim of achieving a predetermined goal of the game. The game is played via monitor-equipped data terminals, i.e. cell phones, operated by players in a game space provided on a game server while being in communication with the game server on a network. One game embodiment creates the interior of a virtual company in which the game is a character-training game in which virtual employees associated with data terminals are trained, aiming at becoming president of the virtual company (See "Contents of the New Products for Cell Phone"). It would have been obvious at the time the invention was made to utilize the recruitment system disclosed in "Network News" with the network games of "Contents of the New Products for Cell Phone". By recruiting players to play games, there would be more characters within the game thus making it more enjoyable to play.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Network News" in view of "Contents of the New Products for Cell Phone" as applied to the claims above, and further in view of Jikkyo Powerful Pro Baseball 2000. Jikkyo Powerful Pro Baseball discloses a question generating means for generating a predetermined number of question sessions, the sessions being shown at predetermined intervals on the data monitors. Questions and responses are transmitted and received from the data terminals

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in response to the question presented. A parameter storage portion stores the responses in association with increment/decrement parameter value required for character training. A personal data storage portion stores at least a parameter value updateable with reference information that identifies a player. Character training processing means adds to the current parameter value the increment/decrement parameter value determined from the storage portion for each virtual employee. It is on the basis of this parameter value of how well a player will perform. The player can select any of a plurality of game modes wherein the parameter storage portion has increment/decrement parameter values set for the respective different game modes. Furthermore the question generating means poses a predetermined question when accessed from a data terminal (See Jikkyo Powerful Pro Baseball 2000 pages 11, 14-16). It is well known throughout the art that in a growing game system parameter values can be adjusted based on character interactions. Therefore, it would have been obvious at the time the invention was made to use such a growing system as described in Jikkyo Powerful Pro Baseball 2000 in a charactering training game such as becoming president of a virtual company as described by "Contents of the New Products for Cell Phone".

Citations of Relevant Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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1. "The Biggest Game Ever Closes in on Million Registered Users Needed to Begin Eagerly Awaited Game"

--Describes a referral program for a lottery where the referrer wins a portion of the prize money.

2. The Sims

--A Character simulation game in which player's raise characters which have parameter values that change.

3. Princess Maker

--A growing game in which a player raises a daughter who's personality and health can change based on answers to questions and other interactions throughout the game.

4. "iwin.com Raises the Bar with \$31 Million Daily Internet Lottery; eXtremelotto Becomes World's Richest Free Daily Lottery"

--Implements an iBuddies system which rewards players for referring their friends to the site.

5. Grimm, U.S. Patent No. 5,894,556.

--Grimm teaches of a network match making method and system that is based on communication attributes between the requestors.

6. James et al., U.S. Patent No. 5,964,660.

--James et al. teaches of a network multiplayer game in which games are played over the Internet.

7. Miura, U.S. Patent No. 6,322,451 B1.

--Miura teaches of a game machine which permits players to select other players to play against.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie K Brockett whose telephone number is 703-308-7306. The examiner can normally be reached on M-Th 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg SPE can be reached on 703-308-1327. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5648.



Julie Brockett

Examiner

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September 16, 2003